IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 363 OF 2002.

M/s. Prestige Holiday Resorts
Pvt. Ltd., a Company
incorporated in India under
the Indian Companies Act, 1956
having its registered Office
at "Haathi Mahal", Mobor,
Cavelossim, Salcete, Goa. ... Petitioners.

VERUS

M/s. Costa Pinto & Associates,
a duly registered Partnership
Firm having its office at
8, Durga Apartments, 2nd Floor,
Luis de Miranda Road,
Margao, Goa, represented
by its Managing Partner,
Mr. Joseph Alfred D'Costa,
son of Minguel A. D'Costa,
major in age, businessman,
resident of House No.201/A,
Saldel Apartments, Pajifond,
Margao, Goa. ... Respondents.

Mr. F.M. Reis with Mr. Arlindo de Souza, Advocates
for the Petitioners.

Mr. C. A. Ferreira, Advocate for the Respondents.

CORAM: D. G. DESHPANDE, J.

DATE: 6TH FEBRUARY, 2003.

ORAL JUDGMENT:

Heard the Advocates for the Petitioners and the Respondents.

2. Rule. Rule returnable forthwith in the circumstances of the case.

3. In an Appeal from Order No.34/2001 filed by the present Petitioners and decided by this Court on 9th May, 2001, liberty was given to the petitioners to go back to the Trial Court for seeking clarification, if so advised. Certain statements were made by the Advocate for the Appellants, but this Court did not express any opinion about the merits of those statements or plea and the Court further held that it would be open for the appellants to approach the trial court for appropriate relief, if so advised.

4. According to the petitioners, now they have approached the trial Court for seeking clarification, but their application was rejected by the Trial Court on the ground that it amounts to review. This Order is obviously wrong. Liberty was given by this Court to the appellants to approach the trial Court for seeking clarification and also to test the veracity of the statements made by the appellants which are recorded in the latter part of the Order.

5. Therefore the Trial Court is directed to decide the matter afresh by looking to the Order of this Court dated 9th May, 2001.

6. The petition is accordingly allowed and Rule made absolute in the above terms.

D. G. DESHPANDE, J.

sl.